

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1183

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AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 29-3-9-1, AS AMENDED BY P.L.81-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. **(a) As used in this section, "department" means the department of child services established by IC 31-25-1-1.**

**(b) As used in this section and except as otherwise provided in this section, "foster care" has the meaning set forth in IC 31-9-2-46.7.**

~~(a)~~ **(c)** Except as provided in ~~subsection (b)~~, **subsections (d) and (h)**, by a properly executed power of attorney, a parent of a minor or a guardian (other than a temporary guardian) of a protected person may delegate to another person for:

- (1) any period during which the care and custody of the minor or protected person is entrusted to an institution furnishing care, custody, education, or training; or
- (2) a period not exceeding twelve (12) months;

any powers regarding health care, support, custody, or property of the minor or protected person. A delegation described in this subsection is effective immediately unless otherwise stated in the power of attorney.

~~(b)~~ **(d)** A parent of a minor or a guardian of a protected person may not delegate under subsection ~~(a)~~ **(c)** the power to:

- (1) consent to the marriage or adoption of a protected person who

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is a minor; or

(2) petition the court to request the authority to petition for dissolution of marriage, legal separation, or annulment of marriage on behalf of a protected person as provided under ~~IC 29-3-9-12.2~~ **section 12.2 of this chapter.**

~~(c)~~ **(e)** A person having a power of attorney executed under subsection ~~(a)~~ **(c)** has and shall exercise, for the period during which the power is effective, all other authority of the parent or guardian respecting the health care, support, custody, or property of the minor or protected person except any authority expressly excluded in the written instrument delegating the power. The parent or guardian remains responsible for any act or omission of the person having the power of attorney with respect to the affairs, property, and person of the minor or protected person as though the power of attorney had never been executed.

**(f) A delegation of powers executed under subsection (c) does not, as a result of the execution of the power of attorney, subject any of the parties to any laws, rules, or regulations concerning the licensing or regulation of foster family homes, child placing agencies, or child caring institutions under IC 31-27.**

**(g) Any child who is the subject of a power of attorney executed under subsection (c) is not considered to be placed in foster care. The parties to a power of attorney executed under subsection (c), including a child, a protected person, a parent or guardian of a child or protected person, or an attorney-in-fact, are not, as a result of the execution of the power of attorney, subject to any foster care requirements or foster care licensing regulations.**

**(h) A foster family home licensed under IC 31-27-4 may not provide overnight or regular and continuous care and supervision to a child who is the subject of a power of attorney executed under subsection (c) while providing care to a child placed in the home by the department or under a juvenile court order under a foster family home license. Upon request, the department may grant an exception to this subsection.**

**(i) A parent who:**

**(1) is a member in the:**

**(A) active or reserve component of the armed forces of the United States, including the Army, Navy, Air Force, Marine Corps, National Guard, or Coast Guard; or**

**(B) commissioned corps of the:**

**(i) National Oceanic and Atmospheric Administration;  
or**



(ii) Public Health Service of the United States Department of Health and Human Services; detailed by proper authority for duty with the Army or Navy of the United States; or

(2) is required to:

(A) enter or serve in the active military service of the United States under a call or order of the President of the United States; or

(B) serve on state active duty;

may delegate the powers designated in subsection (c) for a period longer than twelve (12) months if the parent is on active duty service. However, the term of delegation may not exceed the term of active duty service plus thirty (30) days. The power of attorney must indicate that the parent is required to enter or serve in the active military service of the United States and include the estimated beginning and ending dates of the active duty service.

(d)(j) Except as otherwise stated in the power of attorney delegating powers under this section, a delegation of powers under this section may be revoked **at any time** by a written instrument of revocation that:

(1) identifies the power of attorney revoked; and

(2) is signed by the:

(A) parent of a minor; or

(B) guardian of a protected person;

who executed the power of attorney.

SECTION 2. IC 31-33-8-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15. (a) If the department classifies an assessment as unsubstantiated, the department may provide information about community service programs that provide respite care, voluntary guardianship, or other support services for families in crisis to the parent or guardian of the child who is the subject of the assessment.**

**(b) If the department provides information to a parent or guardian under subsection (a), the department may not initiate an investigation or assessment or substantiate an assessment of child abuse or neglect based solely on the provision of the information.**

**(c) If the department classifies an assessment as substantiated, the department may refer the parent or guardian to a community service program that provides respite care, voluntary guardianship, or other support services for families in crisis as appropriate to meet the needs of the family.**

**(d) The provision of information by the department under**



subsection (a) does not result in, or may not be considered to result in, any obligation on the part of the department.

(e) The department is not liable for any action arising out of having furnished the information in the manner required under subsection (a), including any delegation of powers executed under IC 29-3-9-1.

SECTION 3. IC 34-30-2-134.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 134.2. IC 31-33-8-15 (Concerning the department of child services providing information).**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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